

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BOBBI LOMAS

(b) County of Residence of First Listed Plaintiff DELAWARE

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sidney L. Gold, Esquire

Sidney L. Gold & Assoc., P.C.

1835 Market St., Suite 515 Phila., PA 19103 215-569-1999

DEFENDANTS

COMMUNITY EDUCATION CENTERS, INC.

County of Residence of First Listed Defendant DELAWARE

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

ADEA, ADA, FMLA, PHRA

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000.00 in excess

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE BERLE M. SCHILLERDOCKET NUMBER 17-3333DATE
07/27/2017SIGNATURE OF ATTORNEY OF RECORD
/S/ SIDNEY L. GOLD, ESQUIRE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 101 East Elbon Road, Parkside, PA 19015

Address of Defendant: 500 Cheyney Road, Thornton, PA 19373

Place of Accident, Incident or Transaction: 500 Cheyney Road, Thornton, PA 19373
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 17-3333 Judge Berle M. Schiller Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
 (Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

Sidney L. Gold, Esquire

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

X Relief other than monetary damages is sought.

DATE: July 27, 2017

/s/Sidney L. Gold, Esquire

21374

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 27, 2017

/s/ Sidney L. Gold, Esquire

21374

Attorney-at-Law

Attorney I.D.#

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 101 East Elbon Road, Parkside, PA 19015

Address of Defendant: 500 Cheyney Road, Thornton, PA 19373

Place of Accident, Incident or Transaction: 500 Cheyney Road, Thornton, PA 19373

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 17-3333

Judge Berle M. Schiller

Date Terminated: _____

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Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

Sidney L. Gold, Esquire

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

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DATE: July 27, 2017

/s/Sidney L. Gold, Esquire

21374

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 27, 2017

/s/ Sidney L. Gold, Esquire

21374

Attorney-at-Law

Attorney I.D.#

IN THE- UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

BOBBI LOMAS

CIVIL ACTION

v

COMMUNITY EDUCATION CENTERS, INC.

NO.

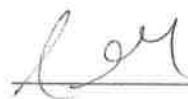
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. § 2241 through §2255. ()
- (b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (c) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (d) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (e) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

07/27/2017

Date



/S/SIDNEY L. GOLD, ESQUIRE

Attorney-at-law

/S/SIDNEY L. GOLD, ESQUIRE

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BOBBI LOMAS,

Plaintiff,

v.

COMMUNITY EDUCATION
CENTERS, INC.,

Defendant.

CIVIL ACTION NO. _____

COMPLAINT AND JURY DEMAND

I. PRELIMINARY STATEMENT:

1. This is an action for an award of damages, declaratory and injunctive relief, attorney's fees and other relief on behalf of Plaintiff, Bobbi Lomas ("Plaintiff Lomas"), a former employee of Defendant, Community Education Centers, Inc. ("Defendant"), who has been harmed by the Defendant's discriminatory and retaliatory employment practices.

2. This action is brought under the Age Discrimination in Employment Act, ("ADEA"), 29 U.S.C. §621 et seq., the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101 et seq., the Family and Medical Leave Act, 29 U.S.C. §2601, et seq. ("FMLA"), and the Pennsylvania Human Relations Act ("PHRA"), 43 P.S. §951 et seq.

II. JURISDICTION AND VENUE:

3. The jurisdiction of this Court is invoked, and venue is proper in this district, pursuant to 28 U.S.C. §§1331 and 1391 as Plaintiff Lomas' claims are substantively based on the ADA, ADEA, and FMLA.

4. The supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1367 to consider Plaintiff Lomas' claims arising under the PHRA.

5. All conditions precedent to the institution of this suit have been fulfilled and Plaintiff Lomas has satisfied all other jurisdictional prerequisites to the maintenance of this action.

III. PARTIES:

6. Plaintiff, Bobbi Lomas ("Plaintiff Lomas"), is a sixty-four (64) year old female individual and citizen of the Commonwealth of Pennsylvania, residing therein at 101 East Elbon Road, Parkside, Pennsylvania 19015.

7. Defendant, Community Education Centers, Inc. ("Defendant"), is a corporation duly organized and existing under the laws of the State of Delaware, maintaining a place of business located at 500 Cheyney Road, Thornton, Pennsylvania 19373.

8. At all times relevant hereto, Defendant was acting through its agents, servants, and employees, who were acting within the scope of their authority, course of employment, and under the direct control of the Defendant.

9. At all times material herein, the Defendant has been a “person” and “employer” as defined by the ADEA, ADA, FMLA, and PHRA, and has been, and is, subject to the provisions of each said Act.

10. Upon information and belief, at all times material hereto, the Defendant employed twenty (20) or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year.

11. At all times relevant hereto, Plaintiff Lomas was an “employee” within the meaning of the ADEA, ADA, and PHRA. Furthermore, Plaintiff Lomas was an “eligible employee” as defined under the FMLA and was entitled to the protection of the provisions of said Act.

IV. STATEMENT OF FACTS:

12. Plaintiff Lomas, a sixty-four (64) year old female, was employed by the Defendant from on or about November 29, 2009 until on or about October 24, 2013, the date of her unlawful termination.

13. During the course of her employment with Defendant, Plaintiff Lomas held the position of Registered Nurse. At all times relevant hereto, Plaintiff Lomas maintained an excellent job performance rating in said capacity.

14. By way of background, Plaintiff Lomas suffers from Degenerative Disc Disease and Sacral Fractures. Said medical conditions constitute disabilities within the meanings of the Americans with Disabilities Act (“ADA”) and the Pennsylvania Human

Relations Act ("PHRA") in that they substantially impair one or more of Plaintiff Lomas' major life activities, including, but not limited to, standing and bending. Said medical conditions also constitute "serious health conditions" within the meaning of the Family Medical Leave Act ("FMLA") in that they are chronic conditions that involves periods of incapacity, absences from work, and continuing treatment by a health care provider.

15. By way of further background, in or about July of 2012, Defendant hired Natalie Smith ("Smith") for the position of Health Services Administrator. Thereafter, Plaintiff Lomas began reporting directly to Smith.

16. Following Smith's hire, Defendant, through its agents, servants, and employees, including, but not limited to, Smith, began subjecting Plaintiff Lomas to discrimination based on her actual and/or perceived disabilities and/or record of impairment (Degenerative Disc Disease, Sacral Fractures) and age (64).

17. By way of example, Smith exhibited overt hostility toward Plaintiff Lomas and other employees over the age of forty (40) including, but not limited to, Laura Maturo ("Maturo"), Pharmacy Coordinator, Tom Freel ("Freel"), Chronic Care Nurse, and Paul Ren ("Ren"), Registered Nurse, and unjustifiably criticized their job performance. Additionally, Smith demanded that said employees perform a disproportionate amount of work and required them to perform tasks beyond their job descriptions. Notably, Smith did not subject similarly-situated, significantly younger individuals to similar treatment.

18. As further discrimination, Smith questioned Plaintiff Lomas regarding her retirement plans and repeatedly asked when Plaintiff Lomas intended to retire. In response thereto, Plaintiff Lomas informed Smith that she intended to continue to work indefinitely and that she had no plans to retire. Furthermore, when the Plaintiff Lomas registered for an online course to further her education, Smith sneered, “aren’t you too old to go back to school?” thereby evidencing her discriminatory animus against Plaintiff Lomas based on her age.

19. Furthermore, Smith regularly made disparaging comments regarding Plaintiff Lomas’ disability. By way of elaboration, Smith commented that Plaintiff Lomas appeared “frail” and attributed said erroneous perception to Plaintiff Lomas’ disability. Furthermore, Smith interrogated Plaintiff Lomas regarding her health and regularly insinuated that she was too ill to perform her job responsibilities. Smith’s remarks directly evidence her discriminatory animus against Plaintiff Lomas based on her disability.

20. Additionally, Smith regularly held Plaintiff Lomas accountable for various issues over which she had no control and instructed her to complete tasks only to reprimand her for doing the same. By way of example, Smith held Plaintiff Lomas accountable for the whereabouts of all HIV medication, despite the fact that Plaintiff Lomas did not access said mediations. Furthermore, Smith held Plaintiff Lomas accountable for the intake process of mid-level practitioners, a responsibility of the

Medical Director. Notably, Smith did not subject similarly-situated, significantly younger, non-disabled individuals to similar treatment.

21. In or about April, May, and June of 2013, Plaintiff Lomas registered complaints of discrimination with Cameron Lindsey (“Lindsey”), Warden, Bruce Sinclair (“Sinclair”), Supervisor, and Linda Pansulla (“Pansulla”), Director of Medical Operations. However, said individuals failed to conduct an investigation or otherwise take steps to cause the discriminatory conduct to cease.

22. On or about July 11, 2013, Smith demanded that Plaintiff Lomas assist with an inmate cell extraction. During said extraction, Plaintiff Lomas was exposed to a substantial amount of highly potent pepper spray which caused Plaintiff Lomas to uncontrollably cough. Notably, Defendant failed to provide Plaintiff Lomas with the proper safety equipment for exposure to said pepper spray.

23. On or about July 12, 2013, Plaintiff Lomas visited her physician and was diagnosed with re-aggravation of her Degenerative Disc Disease. As a result thereof, Plaintiff Lomas requested a temporary modified work schedule as a reasonable accommodation for her disability. For the following several days, Plaintiff Lomas attempted to work several hours per day, despite suffering from excruciating pain.

24. On or about July 19, 2013, as a result of continued symptoms associated with her disability, Plaintiff Lomas requested a brief medical leave of absence pursuant to

the Family and Medical Leave Act ("FMLA") as a reasonable accommodation for her disability, and commenced said leave of absence.

25. Shortly after her request for medical leave, Plaintiff Lomas was diagnosed with a Thoracic Herniated Disc and Partial Deafness. Notably, Plaintiff Lomas' Partial Deafness resulted from severe sinus and ear infections arising from her exposure to the aforementioned pepper spray. Said medical conditions constitute disabilities within the meanings of the Americans with Disabilities Act ("ADA") and the Pennsylvania Human Relations Act ("PHRA") in that they substantially impair one or more of Plaintiff Lomas' major life activities, including, but not limited to, standing, bending, and hearing. Said medical conditions also constitute "serious health conditions" within the meaning of the Family Medical Leave Act ("FMLA") in that they are conditions that involves periods of incapacity, absences from work, and continuing treatment by a health care provider.

26. Thereafter, Defendant began retaliating against Plaintiff Lomas for requesting a reasonable accommodation for her disabilities and utilizing medical leave pursuant to the FMLA.

27. By way of example, on or about August 1, 2013, Plaintiff Lomas' physician informed Plaintiff Lomas that Defendant had contacted him by telephone. During said conversation, Defendant interrogated Plaintiff Lomas' physician regarding Plaintiff Lomas' disabilities and insisted that he provide written instructions permitting Plaintiff

Lomas to return to work. Plaintiff Lomas' physician refused to do so, as Plaintiff Lomas was medically unable to return to work at that time.

28. By way of further example, on or about August 2, 2013, while Plaintiff Lomas was on medical leave, Smith abruptly issued to her an unjustified written disciplinary warning, allegedly based on "absences" during the week following the pepper spray incident. Curiously, Plaintiff Lomas was not absent from work, but rather requested a modified work schedule as a reasonable accommodation for her disabilities. Furthermore, Defendant granted Plaintiff Lomas' requests for the same.

29. As further evidence of Smith's discriminatory and retaliatory animus, on or about August 1, 2013, immediately following the Defendant's unlawful termination of Maturo, an individual who was on a medical leave of absence pursuant to the FMLA at the time of her termination, Smith held a department meeting during which she informed all employees that no one was permitted to utilize FMLA leave.

30. Furthermore, on or about August 28, 2013, Defendant sent a letter to Plaintiff Lomas stating that Defendant would terminate her employment if she could not return to work by October 12, 2013, thereby evidencing Defendant's refusal to engage in the interactive process with Plaintiff Lomas.

31. On or about September 20, 2013, Plaintiff Lomas provided the Defendant with a note from her physician releasing her to return to work with temporary restrictions. Specifically, Plaintiff Lomas' physician instructed her to avoid slippery floors and

exposure to irritant aerosol sprays and to refrain from lifting heavy objects. Plaintiff Lomas requested that Defendant accommodate said restrictions as a reasonable accommodation for her disabilities.

32. In response thereto, Defendant flatly denied Plaintiff Lomas' request for a reasonable accommodation and refused to allow her to return to work. Furthermore, the Defendant informed Plaintiff Lomas that she could only return to work when she could work without restrictions, thereby refusing to accommodate Plaintiff Lomas. Notably, Defendant provided similar accommodations to similarly-situated, non-disabled individuals.

33. On or about October 23, 2013, Plaintiff Lomas testified at Maturo's unemployment hearing and corroborated Maturo's allegations of age and disability discrimination.

34. On or about October 24, 2013, in a blatant act of retaliation, Defendant terminated Plaintiff Lomas' employment, allegedly based on her failure to return to work by October 12, 2013 without restrictions.

35. Plaintiff Lomas believes and avers that her termination was based on her actual and/or perceived disabilities and/or record of impairment (Degenerative Disc Disease, Thoracic Herniated Disc) and/or age (64) and/or in retaliation for requesting a reasonable accommodation for her disabilities and/or opposing unlawful discrimination in the workplace.

COUNT I
(ADA - Disability Discrimination and Retaliation)
Plaintiff Lomas v. the Defendant

36. Plaintiff Lomas incorporates by reference paragraphs 1 through 35 of her Complaint as though fully set forth at length herein.

37. The actions of the Defendant, through its agents, servants and employees, in subjecting Plaintiff Lomas to discrimination on the basis of her actual and/or perceived disability and/or record of impairment (Degenerative Disc Disease, Sacral Fractures, Thoracic Herniated Disc, Hearing Loss), and retaliation for requesting a reasonable accommodation for her disability and/or opposing unlawful disability discrimination in the workplace, constituted violations of the ADA.

38. As a direct result of the aforesaid unlawful discriminatory and retaliatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Lomas sustained permanent and irreparable harm, resulting in the loss of her employment, which caused her to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

39. As a further direct result of the aforesaid unlawful discriminatory and retaliatory employment practices engaged in by the Defendant in violation of the ADA, Plaintiff Lomas suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

COUNT II
(ADEA - Age Discrimination and Retaliation)
Plaintiff Lomas v. Defendant

40. Plaintiff Lomas incorporates by reference paragraphs 1 through 39 of her Complaint as though fully set forth at length herein.

41. The actions of the Defendant, through its agents, servants and employees, in subjecting Plaintiff Lomas to discrimination on the basis of her age (64) and retaliating against her for opposing unlawful age discrimination in the workplace, and in knowing or showing reckless disregard for whether its conduct was prohibited by statute, constituted willful violations of the ADEA.

42. As a direct result of the aforesaid unlawful discriminatory and retaliatory employment practices engaged in by the Defendant in violation of the ADEA, Plaintiff Lomas sustained permanent and irreparable harm, resulting in the loss of her employment, which caused her to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

COUNT III
(PHRA - Disability Discrimination, Age Discrimination and Retaliation)
Plaintiff Lomas v. the Defendant

43. Plaintiff Lomas incorporates by reference paragraphs 1 through 42 of her Complaint as though fully set forth at length herein.

44. The actions of the Defendant, through its agents, servants and employees, in subjecting Plaintiff Lomas to discrimination on the basis of her actual and/or perceived disability and/or record of impairment (Degenerative Disc Disease, Sacral Fractures, Thoracic Herniated Disc, Hearing Loss) and/or age (64), and retaliating against her for requesting a reasonable accommodation for her disabilities and/or opposing unlawful age and disability discrimination in the workplace, constituted violations of the PHRA.

45. As a direct result of the aforesaid unlawful discriminatory and retaliatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Lomas sustained permanent and irreparable harm, resulting in the loss of her employment, which caused her to sustain a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, and front pay and interest due thereon.

46. As a further direct result of the aforesaid unlawful discriminatory and retaliatory employment practices engaged in by the Defendant in violation of the PHRA, Plaintiff Lomas suffered severe emotional distress, embarrassment, humiliation, and loss of self-esteem.

COUNT IV
(FMLA Retaliation)
Plaintiff Lomas v. the Defendant

47. Plaintiff Lomas incorporates by reference paragraphs 1 through 46 of her Complaint as though fully set forth herein.

48. The actions of the Defendant as set forth herein, including, *inter alia*, terminating Plaintiff Lomas' employment, were retaliatory and in retribution for Plaintiff Lomas' legitimate exercise of her rights under the FMLA.

49. The aforesaid actions of the Defendant were willful, malicious, wanton, in bad faith and in reckless disregard of Plaintiff Lomas' rights.

50. As a direct result of the willful, wanton, reckless, careless and negligent acts of the Defendant, as aforesaid, Plaintiff Lomas has suffered a loss of earnings, plus the value of certain benefits, plus loss of future earning power, plus back pay, front pay and interest due thereon.

PRAYER FOR RELIEF

51. Plaintiff Lomas incorporates by reference paragraphs 1 through 50 of her Complaint as though fully set forth at length herein.

WHEREFORE, Plaintiff Lomas requests that this Court enter judgment in her favor and against the Defendant, and Order that:

a. Defendant compensate Plaintiff Lomas with a rate of pay and other benefits and emoluments of employment to which she would have been entitled had she not been subjected to unlawful discrimination;

b. Defendant compensate Plaintiff Lomas with an award of front pay, if appropriate;

c. Defendant pay to Plaintiff Lomas punitive damages, liquidated damages, compensatory damages for future pecuniary losses, pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses as allowable;

d. Defendant pay to Plaintiff Lomas pre and post judgment interest, costs of suit and attorney and expert witness fees as allowed by law;

e. The Court award such other relief as is deemed just and proper.

JURY DEMAND

Plaintiff Lomas demands trial by jury.

SIDNEY L. GOLD & ASSOC., P.C.

By: /s/ Sidney L. Gold, Esquire
SIDNEY L. GOLD, ESQUIRE
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DATED: July 27, 2017

VERIFICATION

I hereby verify that the statements contained in this **Complaint** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Title 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

DATE:

7/24/17


BOBBI LOMAS, PLAINTIFF